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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,384	07/21/2000	Youn-Man Lee	P2014	4446

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,384

Applicant(s)

Youn-Mag

Examiner

Naghmeh Mehrpour

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 17, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Son et al.

(US Patent Number 6,278,887 B1) in view of Spitaletta et al. (US Patent Number 6,278,887 B1).

Regarding **Claims 1, 3**, Son teaches a battery saving method of controlling the display of a portable telephone **having a answer key and a display configured to be supplied with power** (col 4 lines 32-38), comprising the steps of checking whether a user **of the telephone** activates the answer key **to originate a call from the telephone**, in response to an incoming call (col 7 lines 38-41, 49-53); deactivating the power supplied to the display in response to the call **being originated from the telephone due to the** activation of the answer key (col 6 lines 11-20, col 7 lines 45-55). Son does not mention specifically that Send key is for originating to establish a call in response to the incoming call. However Spitaletta teaches that Send key is the key for originating to establish a call in response to the incoming call (Col 3 lines 39-40, col 7 lines 35-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching of Spitaletta, in order to conserve energy and save power.

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Regarding **Claim 2**, Son teaches a battery saving method further comprising the step of deactivating the power supplied to the display after the expiration of a predetermined time period if the SEND key is **activated** (col 6 lines 11-20,).

Regarding **Claims 4**, Son teaches a method further comprising the step of deactivating the power supplied to the display after the expiration of a predetermined time period if the request to establish the call connection is made (col 6 lines 10-19).

Response to Arguments

3. Applicant's arguments filed 04/17/03 have been fully considered but they are not persuasive.

In response to the applicant's argument that *the application disclose when a call is set up according to a SEND key input by a user, or when a predetermined period of time of time has elapsed after the SEND key is input, the back light and LCD are turned off, and Son does not teach the above features.*

Examiner disagrees with the applicant, Son teaches when an incoming call is detected, and the Send key is pressed a back light is turned on for a predetermined time, and after the predetermined time the back light is turned off (col 6 lines 11-20). Therefore, Son does teach the applicant teaching.

In response to the applicant's argument that Son does not disclose step of checking whether a SEND key is entered for the purpose of saving battery power consumption by controlling the display during a call connection, as in the subject of invention.

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The Examiner states that Son does detect the incoming call and pressed the SEND key, and after predetermined time the display light is turned off for the purpose of saving power consumption (col 7 lines 38-50).

In response to applicant's argument that Son fails to show certain features (such as deactivated to turn off the display during a call connection, and/or the timeout period is predetermined constant time period after the SEND key is activated) not recited in the rejected claims. Although, the claims are interpreted in light of the specification. Limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As far as when the user presses **SEND** key, the Examiner agrees that Son does not mention specifically that for establishing the communication link the SEND key is pressed, however, Son provides in conjunction with the display off power saving features able to automatically turn the display on upon receipt of an incoming call.

In response to the applicant's argument that Son *does not check whether a user of the telephone activates the SEND key to originate a call from the telephone, and deactivates the power supplied to the display in response to the call being originated from the telephone due to the activation of the SEND key.*

Examiner disagrees with the applicant, Son detect the incoming call, and then activates the SEND key. Detecting the incoming call and activating the Send key (timer is reset). Another word, Son system has to be able to check if the Send key is pressed, in order to reset the timer, then after the timer T1 is expired, Son deactivates the power supply to the display in response to

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the originating call from the telephone. If the call is not originated, the timer never resets and the deactivation of the power supply to the display has never been occurred. Therefore, same as present application, Son does check whether a user of the telephone activates the SEND key to originate a call from the telephone, and deactivates the power supplied to the display in response to the call being originated from the telephone due to the activation of the SEND key.

In response to applicant's argument that *Spitaletta fails to disclose deactivating the telephone's display power in response to call origination from that telephone*, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this instance Son teaches a battery saving method of controlling the display of a portable telephone having a answer key and a display configured to be supplied with power (col 4 lines 32-38), comprising the steps of checking whether a user of the telephone activates the answer key to originate a call from the telephone, in response to an incoming call (col 7 lines 38-41, 49-53); deactivating the power supplied to the display in response to the call being originated from the telephone due to the activation of the answer key (col 6 lines 11-20, col 7 lines 45-55). Spitaletta teaches that the Send key is the key for originating to establish a call in response to the incoming call (Col 3 lines 39-40, col 7 lines 35-

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43). Therefore, the combination more than adequately provides supports for the claimed limitation.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications indented for entry)

Or:

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

NM

July 3, 2003

Marsha D. Banks-Harold
MARSHA D. BANKS-HAROLD
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